

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA

DARRELL MORRIS,)	
)	
Plaintiff,)	
)	
v.)	Case No. CIV-16-1297-D
)	
GOVERNOR MARY FALLIN, <i>et al.</i> ,)	
)	
Defendants.)	

ORDER

This matter comes before the Court for review of the Report and Recommendation [Doc. No. 19] issued by United States Magistrate Judge Shon T. Erwin on February 13, 2017, pursuant to 28 U.S.C. § 636(b)(1)(B)-(C). Judge Erwin recommends the denial of Plaintiff's Motion for a Temporary Restraining Order and Preliminary Injunction [Doc. No. 16]. Plaintiff has filed a timely written objection [Doc. No. 22]. The Court must make a *de novo* determination of portions of the Report to which a specific objection is made, and may accept, modify, or reject the recommended decision. See 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b)(3).

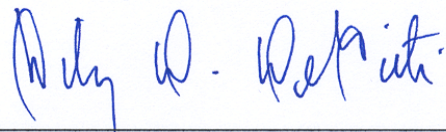
Plaintiff, a state prisoner appearing *pro se* and *in forma pauperis*, brings this action seeking declaratory and injunctive relief and damages under 42 U.S.C. § 1983 on numerous claims regarding his confinement by the Oklahoma Department of Corrections. The instant Motion concerns only alleged interference with his legal mail. Judge Erwin finds that Plaintiff has not satisfied the requirements of Fed. R. Civ. P. 65(b)(1) for issuance of a temporary restraining order without notice, nor shown the requisite relationship between

the conduct alleged in the Complaint and the injury claimed in his Motion. *See Little v. Jones*, 607 F.3d 1245, 1251 (10th Cir. 2010). Plaintiff asserts no claim in his Complaint regarding his legal mail.

Upon *de novo* review of the Report and Recommendation in light of Plaintiff's Objection, the Court fully concurs in Judge Erwin's findings and conclusions. Plaintiff does not address the reasons given by Judge Erwin for denying the Motion and has, therefore, waived further review of the issues addressed in the Report. *See Moore v. United States*, 950 F.2d 656, 659 (10th Cir. 1991); *see also United States v. 2121 East 30th St.*, 73 F.3d 1057, 1060 (10th Cir. 1996). Further, the Court finds that the reasons stated by Judge Erwin are sound and Plaintiff's Motion should be denied.

IT IS THEREFORE ORDERED that the Report and Recommendation [Doc. No. 19] is ADOPTED as though fully set forth herein. Plaintiff's Motion for a Temporary Restraining Order and Preliminary Injunction [Doc. No. 16] is DENIED.

IT IS SO ORDERED this 7th day of March, 2017.



TIMOTHY D. DEGIUSTI
UNITED STATES DISTRICT JUDGE